

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

LAND CLEARANCE FOR	)	No. ED95617
REDEVELOPMENT AUTHORITY	)	
OF THE CITY OF ST. LOUIS	)	
	)	Appeal from the Circuit Court
Appellant,	)	of the City of St. Louis
	)	Case No. 0622-CC05527
v.	)	
	)	
OPAL HENDERSON AND OPAL T.	)	Honorable Julian L. Bush
HENDERSON REVOCABLE TRUST,	)	
	)	
Respondents.	)	Filed: November 29, 2011

Appellant Land Clearance for Redevelopment Authority of the City of St. Louis (LCRA) appeals the jury's award of \$1,009,000 to Respondent Opal Henderson, after a trial of exceptions regarding the taking of Ms. Henderson's salvage yard. We affirm. Respondent's motions to strike Appellant's brief and to decline review of issues are denied.

AFFIRMED.

Division One Holds: The trial court did not abuse its discretion in admitting the expert testimony of Mark Leverenz, a business appraiser who valued the property based on capitalization of income. The revised version of MAI 9.01 did not incorporate a substantive change to the law, and therefore was not unconstitutionally applied. LCRA's argument that MAI 9.01 is unconstitutional as written was not preserved for appeal, and the giving of the instruction did not result in plain error. The trial court did not abuse its discretion in admitting the summary statement of LCRA's counsel regarding a previous valuation of Ms. Henderson's property.

Opinion by: Gary M. Gaertner, Jr., J.  
Clifford H. Ahrens, P.J., and Roy L. Richter, J., concur.

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